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SESSION
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MEMORANDUM OF CONVERSATION
U.S. SALT DELEGATION
GENEVA, SWITZERLAND

DATE: 30 November 1972

TIME: 11:00 - 1:00 p.m.

PLACE: U.S. Mission, Geneva

SUBJECT: First Meeting of "Joint SCC Working Group"

PARTICIPANTS: US

USSR

Mr. S. Graybeal
Mr. J. Shaw
Mr. R. Earle
Col. C. FitzGerald
LTC F. DeSimone
Mr. D. Arensburger
(Interpreter)

Mr. V. V. Smolin
Col. V. P. Starodubov
Mr. P. N. Yevseyev
Mr. Y. N. Kochetkov
(Interpreter)

Graybeal, chairing the U.S. side and the meeting, welcomed the Soviet members of the "Joint SCC Special Working Group" (SWG). He suggested that the SWG procedures be the same as those observed by previous SALT SWG's and that meetings be held with the frequency required to complete the task assigned to the SWG within the time available.

Smolin agreed, saying it was not necessary to recall all the procedures of past SWGs. He wanted only to clarify the fact that all our discussions would be ad referendum to Delegations.

Graybeal agreed and proceeded with the substantive discussion. He said that the SWG's purpose was to work out, ad referendum to Delegations, an agreed document establishing the SCC "promptly" in accordance with Article XIII of the ABM Treaty. The U.S. side proposed that this be done in the form of a document to be signed at the current Session in Geneva by the two Heads of Delegation on behalf of Governments. He said that, when this primary task was completed, we could informally discuss the SCC's operating procedures if time permitted.

Graybeal then stated his belief that the document establishing the SCC should be limited to items essential or desirable for such a document which could be made public. He added that the SCC should work out its own detailed operating procedures which could be amended by the SCC itself without the formal governmental action which would be required to amend the document establishing the SCC.

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Graybeal said the Soviet "Draft Regulations" had been given careful study. He would propose today a merging of the U.S. and Soviet approaches into a new document to be tabled as ad referendum to Delegations. The new draft incorporated those points in the Soviet Draft which he felt should be included in the basic document establishing the SCC. Those points, which were considered to be "rules and operating procedures" best worked out by the SCC and which the SCC could amend, were omitted. He then summed up the following approach:

- a. The Heads of Delegation would sign in Geneva on behalf of Governments a document setting up the SCC;
- b. The SCC would be granted authority to draw up its own detailed "rules and operating procedures" so as to retain the flexibility permitting appropriate amendments.

Smolin then outlined his understanding that the SWG had been given the task of discussing questions related to establishing the SCC. Comparison of the drafts tabled by the Delegations on November 24 revealed points of contact and points of difference. SWG discussions would provide better understanding of the essence of the U.S. proposal. He was prepared to consider any views of the U.S. side. The most important element was that the sides are agreed on the desirability of finding an operative solution to the task of creating the SCC. For the present he would like to raise certain questions and hear the U.S. viewpoints on them so that he could report to the Soviet Delegation the essence of the U.S. proposal. He was prepared to clarify any U.S. questions on the Soviet draft after careful study of the questions. He noted that it would be difficult for him to comment on the new approach Graybeal had described until he had had the opportunity to study it.

Graybeal agreed that there were some differences in approach, and that the SWG's task is to reach an operative solution. He stated that the U.S. side had tried to incorporate our understanding of the Soviet approach into the draft document which he would now give Smolin (Attachment 1). He wanted to give a brief description of the individual points in this draft, and our general approach toward resolving the differences in approach between the U.S. and the Soviet drafts. He welcomed questions on the general approach and recognizing the difficulties of digesting all the points in the paper at one time.

Smolin said he was ready for an ad referendum look at the U.S. ad referendum document. He noted that an ad referendum "marriage" is a curious thing. He believed the authors of the Soviet draft would be pleased to know that some of their wording had been used in the new U.S. draft. He asked for a 5-minute recess to consult with his colleagues.

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Smolin, after a brief recess, said that the U.S. ad referendum Draft would be reported to his Delegation. Before doing so, the need would arise to raise certain questions on the new U.S. draft, so that he could provide the Soviet Delegation with more definite understanding of the U.S. draft. He asked permission to pose some questions at the present meeting and others subsequently.

Graybeal agreed and asked whether Smolin would like to raise questions on each paragraph individually or go through the entire draft and then ask questions.

Smolin preferred the former course.

Graybeal stated his understanding that Article XIII of the ABM Treaty uses the term "Regulations" in the sense of our word "Charter." That was why we labeled our document a Memorandum of Understanding. The U.S. side tried to take this into account in the new title. He said that, the word "regulations" in English also carries the connotation of operating procedures. He believed that there was no substantive difference in the intent of the U.S. document submitted on November 24 and the draft presented today.

Smolin thanked Graybeal for this clarification and asked him to repeat that part of his introductory remarks which had to do with not excluding the possibility of discussing specific "rules and regulations."

Graybeal said that he had referred to "operating procedures" which are more detailed and could best be worked out and amended by the SCC itself without having to refer back to Governments as would be the case in amending a Memorandum of Understanding in accordance with Article XIII. He repeated the U.S. view that the primary task is to establish the SCC and this requires a formal governmental document. When this task is finished, and if time permits, we could do so informally; he wanted to emphasize "informally," because he did not believe it desirable to tie the SCC hands in regard to its own operating procedures.

Smolin recalled that, when speaking about the sides' approaches to creating the SCC, there are points of difference and points of coincidence. Based on Graybeal's words, one more point of coincidence had just been added.

Graybeal then noted that the U.S. draft Paragraph II had been taken almost directly from the Soviet draft provision establishing the functions of the SCC in regard to the ABM Treaty, Interim Agreement, and Measures Agreement. Therefore, there appeared to be another point of coincidence.

Smolin did not believe a clarification of the SCC functions would be necessary, if that meant that the SCC would function, not only in accordance with the ABM Treaty, but also in regard to implementation of the IA.

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Smolin then called attention to the "structure" of the SCC. He said that, according to Article 2 of the Soviet Draft, the SCC would consist of a Soviet and a U.S. "Section." This corresponds to established practice in international affairs and adopted in Soviet-American relations, and to the procedures adopted, for example, in the US-USSR trade agreement. He believed that this approach was not in conflict with the US approach. He said the main thing was that the sides have a common understanding. The language could be developed later, officially or unofficially.

Graybeal said he believed that this view on US-USSR Sections was implicit in the language of the US Draft Paragraph III. He would, however, be glad to consider any Soviet-proposed additional language on the point.

Earle said that the matter was really a question of Smolin's suggestion concerning "existing practices." It would be helpful if the Soviet side provided a specific reference which could be studied.

Smolin thereupon quoted Paragraph 4 of the Terms of Reference for the Joint US-USSR Commercial Commission signed by USSR Minister of Trade Patolichev and Commerce Secretary Peterson. He said that, if his understanding was correct, there was no disagreement in principle on this question. The Soviet formulation in Paragraph 1 of Article II of the Soviet Draft was a quote of the Commercial Agreement. He believed that, if there was common understanding on this question, the precise wording and place in the Agreement could be worked out later. It was, of course, important to find a place for this formulation.

Smolin then cited the Soviet and U.S. draft provisions for the number of Commissioners, noting that the new U.S. draft added an Executive Secretary. He wanted to know why the U.S. side proposed this number.

Graybeal said that, before answering, he wanted to clarify whether the USSR Draft provided for two members (the Soviet interpreter had mistakenly said two for Smolin's statement of three members).

Smolin affirmed that the Soviet proposal was for a Chairman plus three members on each side. He said that the Soviet proposal envisaged two co-chairmen whose responsibilities and functions would be identical and who would chair meetings in turn. He thought this view did not contradict the U.S. position.

Graybeal agreed this was essentially correct. The two chairmen of which the Soviet side called two sections would be Co-Chairmen of the Commission. He felt, however, that the question of rotation was an "operating procedure" and should not be reflected in the document establishing the SCC.

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Smolin asked whether he were correct in concluding that the U.S. preference was that reference to rotating chairmanship, with which the U.S. did not disagree, be in a secondary document. He asked whether this meant that the concept of Co-Chairmen could be in the basic document.

Graybeal personally saw no reason why the latter point could not be in the basic document. He did not, however, see any need for it since the U.S. proposes a Chairman and a Deputy and when the SCC meets the Chairman of the U.S. Part and the USSR Part would automatically be Co-Chairmen.

Smolin said there appeared to be an identity of understanding on this question. As regards the feasibility of such wording, the formulation and its place could be agreed later if this were desirable. However, although there is no disagreement on the essence of the question, he still had a question as to whether this should be covered in the basic document or in the document on procedures.

Smolin then said he would like to turn to the question of SCC meetings. He repeated the two formulations tabled on November 24 and noted the new U.S. Draft provided a somewhat different wording which he would like to discuss subsequently. He did, however, want to say that the Soviet formulation provided more flexibility since it would not be necessary to hold periodic meetings if there were no questions to be discussed. He also requested clarification as to why the new U.S. Draft provided that meetings be held "no less than _____ times a year," and why the previous Draft called for meetings "upon request" while the new Draft said "promptly."

Graybeal saw no inconsistency between the two U.S. Drafts. The importance of the functions assigned to the SCC by the three Agreements dictated the importance of the SCC's role. Thus the document establishing the SCC should clearly indicate that the SCC should meet. The frequency of the meetings should be established by the SCC itself. He did, however, believe the frequency should not be once every five years, for example. The SCC should meet at least a certain number of times each year. The frequency might be once, twice, or more. It could be agreed here.

Graybeal then stated that, while both Drafts provide flexibility in regard to special meetings, the U.S. Draft did specify "promptly," thus suggesting a reasonably early time. He felt that, because of the importance of the topics the SCC would be discussing on behalf of the two Governments, each side should respond promptly to the other's request, and there should be no unreasonable delay between the request for a meeting and the actual convening of the meeting.

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Smolin then postulated two different situations:

1. On the supposition that all is going well, neither side has any questions; would it be necessary to hold an SCC meeting merely to learn that there are no questions to be raised?

2. It is reported that the SCC is being convened for a special meeting at the request of one of the Governments. Wouldn't there be grounds for public opinion to speculate that there are some extraordinary negative moments in the implementation of the agreements?

Under the Soviet proposal Situation One would mean there would be no meeting since neither Government saw any need for a meeting. Thus, Situation Two could not arise.

Under the Soviet proposal, suppose one side has a question and the normal procedure called for such a meeting, then there would be no basis for press speculation and the second situation would also be eliminated.

Graybeal stated his view that the importance of special meetings in terms of worldwide visibility would be present under either proposal. As regards Situation Two such speculation is less likely under the U.S. proposal for periodic meetings. Moreover, if there were regularly-scheduled meetings, there would be hopefully, no need for special meetings. He thought that, given the scope of the SCC's responsibilities, it was highly unlikely there would be nothing to talk about. If over time, the SCC felt the established frequency was too high, then it would be possible to discuss a change.

Smolin noted that time had passed more rapidly than he had thought. He asked whether it might not be possible to continue the discussion later.

Graybeal agreed. He wanted, however, to sum up his sense of the discussion. He felt there were differences of views on two questions:

1. The composition of the SCC; he had not explained the U.S. rationale for two Commissioners. In his opinion two senior officials-- probably of Ambassadorial rank -- are adequate to discharge the SCC's functions. Under the U.S. concept, both would be present for meetings; one would not substitute for the other as in the case of a head and deputy head of an agency.

2. Periodic meetings versus meetings on call; he hoped his proposal would not present any difficulties, in light of today's clarification.

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Graybeal then proposed that the next meeting be held at 11:00 a.m. on December 4, in the Soviet Mission.

Smolin noted that the Soviet side had had questions in regard to points where the approaches coincided and also where they differed. He was pleased to note that as a result of today's meeting the number of the former had increased and the number of the latter had decreased. He accepted the proposal for the second meeting but wondered whether the need might not arise for an earlier meeting which could be arranged by telephone.

Graybeal agreed, saying the U.S. side of the SWG was ready to meet as often as necessary.

Graybeal adjourned the meeting. (Comment: Smolin subsequently called to request a meeting on December 1. Graybeal agreed to meet at 3:00 p.m. on December 1.)

Drafted by: Col. C. G. Fitzgerald:bjg Approved by: S. N. Graybeal

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DRAFT

November 29, 1972
1630 Hours

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES OF AMERICA
AND THE
UNION OF SOVIET SOCIALIST REPUBLICS
REGARDING THE ESTABLISHMENT OF AND REGULATIONS FOR
A STANDING CONSULTATIVE COMMISSION

I.

The Government of the United States of America and the
Government of the Union of the Soviet Socialist Republics hereby
establish a Standing Consultative Commission.

II.

The Commission shall assist in implementing the objectives
and provisions of the Treaty on the Limitation of Anti-Ballistic
Missile Systems, the Interim Agreement between the USA and the
USSR on Certain Measures with Respect to the Limitation of Strategic
Offensive Arms of May 26, 1972, and the Agreement on Measures to
Reduce the Risk of Outbreak of Nuclear War between the USA and the
USSR of September 30, 1971, in accordance with the provisions of
Article XIII of said Treaty and Article VI of said Interim Agreement,
and consistent with Article 7 of said Agreement on Measures.

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III.

Each Government shall be represented on the Commission by a Commissioner and a Deputy Commissioner, assisted by an Executive Secretary and such additional staff as it deems necessary.

IV.

The Standing Consultative Commission shall hold periodic meetings at intervals to be established by the Commission, but no less than _____ times per year. Special meetings shall, upon reasonable notice, be held promptly at the request of either Commissioner. The Commissioners shall, when possible, inform each other in advance of the questions to be submitted for discussion at meetings, but may at any meeting submit for discussion any questions within the competence of the Commission.

V.

During intervals between meetings of the Commission, each Commissioner may transmit written or oral communications to the Commissioner of the other side concerning matters within the competence of the Commission.

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VI.

Each Government shall bear the expenses of its participation in the Commission.

VII.

The Commission shall establish and may amend its rules and operating procedures as it deems appropriate.

VIII.

The Standing Consultative Commission will meet at Geneva, Switzerland, and at such other places as may be agreed.

Done in Geneva, Switzerland, on _____, 1972, in the English and Russian languages, both texts being equally authentic.

For the Government
of the
United States of America

For the Government
of the
Union of the Soviet Socialist Republics

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Проект

МЕМОРАНДУМ О ДОГОВОРЕННОСТИ
МЕЖДУ
СОЕДИНЕННЫМИ ШТАТАМИ АМЕРИКИ
И
СОЮЗОМ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК
О СОЗДАНИИ И ПОЛОЖЕНИИ ПОСТОЛННОЙ КОНСУЛЬТАТИВНОЙ КОМИССИИ

I

Правительство Соединенных Штатов Америки и Правительство Союза Советских Социалистических Республик настоящим создают Постоянную консультативную комиссию.

II

Комиссия содействует осуществлению целей и положений Договора об ограничении систем противоракетной обороны и Временного соглашения между США и СССР о некоторых мерах в области ограничения стратегических наступательных вооружений от 26 мая 1972 г., а также Соглашения о мерах по уменьшению опасности возникновения ядерной войны между США и СССР от 30 сентября 1971 г., согласно положениям статьи XIII указанного Договора и статьи VI указанного Временного соглашения и в соответствии со статьей 7 указанного Соглашения о мерах.

III

Каждое из Правительств представлено в Комиссии одним Членом Комиссии и одним Заместителем члена Комиссии,

которым помогают один Исполнительный секретарь и дополнительные сотрудники по усмотрению сторон.

IV

Постоянная консультативная комиссия проводит периодические заседания через устанавливаемые Комиссией промежутки времени, но не менее чем _____ раз в год. Специальные заседания проводятся безотлагательно, при заблаговременном уведомлении, по просьбе любого из Членов Комиссии. Члены Комиссии по возможности заранее информируют друг друга о вопросах, которые будут поставлены на обсуждение на заседаниях, но могут на любом заседании ставить на обсуждение любые вопросы, которые входят в компетенцию Комиссии.

V

В период между заседаниями Комиссии каждый Член Комиссии может направлять письменные или устные сообщения на имя Члена Комиссии другой стороны по вопросам, которые входят в компетенцию Комиссии.

VI

Каждое из Правительств берет на себя расходы, связанные со своим участием в Комиссии.

VII

Комиссия по своему усмотрению устанавливает правила и процедуру своей работы, и имеет право вносить в них поправки.

VIII

Заседания Постоянной консультативной комиссии проводятся в Женеве (Швейцария) или по договоренности в любом другом месте.

Совершено 1972 года, в городе Женеве (Швейцария), на английском и русском языках, причем оба текста имеют одинаковую силу.

За Правительство Соединенных
Штатов Америки

За Правительство Союза Советских
Социалистических Республик